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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**NOTICE OF HEARING RE USACM
LIQUIDATING TRUST'S OMNIBUS
OBJECTION TO ALLOWANCE OF
PROOFS OF CLAIM BASED UPON
INVESTMENT IN THE FREEWAY
101 LOAN, EXCEPT FOR
AMOUNTS DESIGNATED AS
"UNREMITTED PRINCIPAL"**

Date of Hearing: August 30, 2011
Time of Hearing: 10:30 a.m.
Estimated Time For Hearing: 10 minutes

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. THE USACM TRUST MAY BE SEEKING TO DISALLOW A
PORTION OF YOUR CLAIM BASED UPON AN INVESTMENT IN THE
FREEWAY 101 LOAN. THE USACM TRUST ACKNOWLEDGES THAT YOU
HAVE A VALID CLAIM FOR UNREMITTED (STOLEN) PRINCIPAL RELATED
TO THE FREEWAY 101 LOAN AND IT IS ASKING THE COURT TO ALLOW
THAT CLAIM. BUT THE USACM TRUST IS ALSO SEEKING TO DISALLOW
THE PORTION OF YOUR PROOF OF CLAIM, IF ANY, THAT IS NOT BASED
UPON UNREMITTED PRINCIPAL. THIS OBJECTION WILL NOT IMPACT**

1 YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A
2 DIFFERENT LOAN.

3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
4 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
5 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
6 SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP
7 CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN
8 HINDERAKER (520-629-4430).

9 NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust, by and
10 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon
11 Investment in the Freeway 101 Loan, Excepts for Amounts Designated as “Unremitted
12 Principal” (with Certificate of Service) (the “Objection”). Your Proof of Claim number
13 and other information regarding your claim is provided in **Exhibit A**, attached to the
14 Objection. The USACM Liquidating Trust has requested that this Court enter an order,
15 pursuant to section 502 of title 11 of the United States Code (the “Bankruptcy Code”) and
16 Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”),
17 disallowing your Proof of Claim to the extent it is based upon an investment in the
18 Freeway 101 Loan. The Objection will not impact your Claim to the extent it is based
19 upon an investment in a different loan.

20 NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held
21 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
22 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
23 **August 30, 2011, at the hour of 10:30 a.m.**

24 NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON AUGUST
25 30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND
26

1 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
2 **HEARD ON THAT DATE.**

3 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any
4 response to the objection must be filed and service must be completed no later than
5 **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant
6 facts and any relevant legal authority.

7 If you object to the relief requested, you *must* file a **WRITTEN** response to this
8 pleading with the Court. You *must* also serve your written response on the person who
9 sent you this notice.

10 If you do not file a written response with the Court, or if you do not serve your
11 written response on the person who sent you this notice, then:

- 12 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 13 • The Court may *rule against you* and sustain the objection without formally
14 calling the matter at the hearing.

15 Dated: July 29, 2011.

16 LEWIS AND ROCA LLP

17 By s/ John Hinderaker (AZ 18024)
18 Robert M. Charles, Jr., NV 6593
19 John Hinderaker, AZ 18024 (*pro hac vice*)
20 3993 Howard Hughes Parkway, Suite 600
21 Las Vegas, Nevada 89169
22 E-mail: JHinderaker@lrlaw.com
23 *Attorneys for the USACM Liquidating Trust*

21 Copy of the foregoing mailed by first
22 class postage prepaid U.S. Mail on
23 July 29, 2011 to all parties listed on
24 Exhibit A attached to the objection.

24 LEWIS AND ROCA LLP

25 s/ Renee L. Creswell
26 Renee L. Creswell